

### **REMARKS**

By this amendment, claims 1, 19, 21, 27, 33, 40, and 41 have been amended. Claims 2, 4, 18, 22-23, 25-26, 30-31, 34-35, 37 were previously cancelled. Claims 1, 3, 5-17, 19-21, 24, 27-29, 32, 33, 36 and 38-41 are pending in the application. No new matter has been added.

### **EXAMINER INTERVIEW**

The Applicants thank the Examiner for the telephonic interview conducted with the undersigned on August 20, 2010. The proposed amendments made hereto were discussed. The Examiner indicated that the amendments made hereto distinguished the claims from the cited references.

### **REJECTION UNDER 35 U.S.C. §102**

Claims 21, 24, 33 and 36 are rejected under 35 U.S.C. §102(b) as being anticipated by Huber (US Patent 5,927,650).

A §102 rejection is proper only if each and every element as set forth in the claim is found-i.e., the prior art must teach every aspect of the claim. *See Verdegall Bros. v. Union Oil Co. of California*, 918 F.2d 628,631 (Fed. Cir. 1987; *see also* MPEP § 2131).

Huber does not teach or suggest all the features set forth in claims 21, 24, 33, and 36. For example, independent claim 21 recites a floor module including among other things "supporting beams spanning the width of the cargo deck." On page 3 of the Office Action, the Examiner alleges that the feature 21 of Huber is a supporting beam and it expands the width of the cargo deck, the Applicant respectfully disagrees.

Huber as shown in FIG. 1 has items 21 running along the length, not the width of the aircraft. In aircraft terminology length is generally considered nose to tail and width is wing tip to wing tip (for example the term "wide body").

Furthermore, as shown in FIG. 4 features 21 and 21' are only located in between the turnable members 10. As discussed in column 3 lines 12-15, the extensions 20 and 21 (which are alleged by the Examiner to be the supporting beams) are only provided at the ends of the turnable members. Thus, the extensions are only located intermittently between the turnable members, they do not span the width of the cargo deck as recited in independent claim 21.

Dependent claim 24 depends on independent claim 21 and independent claim 23 recites similar language to that discussed above with respect to independent claim 21. Dependent claim 36 depends upon independent claim 33. For at least these reasons the applicant respectfully asserts that Huber does not teach or suggest all the features set forth in claims 21, 24, 33 and 36 and request that the rejections under 35 U.S.C. §102 of these claims be removed.

#### **REJECTION UNDER 35 U.S.C. §103**

Claims 27-29, 32, 38 and 39 are rejected under 35 U.S.C. §102(b) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over Huber (US Patent 5,927,650).

According to the new Examination Guidelines for Determining Obviousness under 35 U.S.C. § 103 in view of the Supreme Court decision of *KSR International, Co. v. Teleflex, Inc.* it is stated that the proper analysis for a determination of obviousness is

whether the claimed invention would have been obvious to one of ordinary skill in the art after consideration of all the facts. The key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reasons why the claimed invention would have been obvious. An Office Action must explain why the differences between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art. See 72 Fed. Reg. 57526, 57528-529 (Oct. 10, 2007).

The Applicant respectfully asserts that Huber does not teach or suggest or otherwise render obvious all the features set forth in claims 27-29, 32, 38 and 39. For example, independent claim 27 recites similar features as discussed above with respect to independent claim 21. Thus, for the reasons discussed above with respect to independent claim 21, the Applicant respectfully asserts that Huber does not teach or suggest or otherwise render obvious all the features set forth in claim 27 and its corresponding dependent claims 28-29, 32, 38 and 39. Therefore, the Applicant respectfully request that the rejections under 35 U.S.C. §103 of claims 27-29, 32, 38 and 39 be removed.

Claims 1, 3, 5, 6, 8, 15-17, 19, 20, 40 and 41 are rejected under 35 U.S.C. §103(a) as being unpatentable over Miller et al. (US Patent 5,090,639) in view of Mogensen (US Patent 6,101,766).

The Applicant respectfully asserts that neither Miller nor Mogensen whether taken separately or in combination teach or suggest or otherwise render obvious all the features set forth in the claims listed above.

For example, independent claim 1 recites an aircraft including among other things "a pallet... such that the pallet lays on the cargo-compartment floor between the cargo-compartment floor and the functional unit." Mogensen does not teach or suggest such a pallet.

In the Office Action on page 4 the Examiner takes a strained interpretation of the term "pallet" and alleges that item 50 (as shown in FIG. 10 for example) constitutes the pallet. The Applicants respectfully disagrees. However, to forward prosecution, the Applicants have amended claim 1 to include the language quoted above.

As can be seen in the figures of Mogensen the alleged pallet of Mogensen stands upright. Mogensen does not teach or suggest or otherwise render obvious a pallet that lays on the cargo department floor between the cargo department floor and the functional unit as recited in independent claim 1. Miller does not cure these insufficiencies nor is Miller alleged to. Therefore, the combination of Huber and Miller whether taken separately or in combination does not teach or suggest or otherwise render obvious all the features set forth in independent claim 1 and its corresponding dependant claims 3, 5, 6, 8, 15-17. Independent claims 19, 40 and 41 set forth similar language as that discussed above and are patentable over Miller in view of Mogensen for the reasons as set forth above with respect to independent claim 1. Dependent claim 20 depends upon independent claim 19 and is patentable at least by reason of its dependency. For at least these reasons the Applicant respectfully requests that the rejections under 35 U.S.C. §103 of claims 1, 3, 5, 6, 8, 15-17, 19, 20, 40 and 41 be removed.

Claims 7 and 12 are rejected under 35 U.S.C. §103(a) as being unpatentable over Mogensen (US Patent 6,101,766) in view of Miller et al. (US Patent 5,090,639) as applied to claim 5 above, and further in view of Jong (US Patent 3,912,206).

Claims 8-11, 13, 14 and 17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Miller et al. (US Patent 5,090,639) in view of Mogensen (US Patent 6,101,766) as applied to claim 1 above, and further in view of Falcev (US Patent 5,922,108). The Applicant respectfully traverses this rejection.

Claims 7-14 and 17 are dependent upon one of the independent claims described above. Because all the independent claims have been shown to be patentable over the cited references for the reasons set forth above, claims 7-14 and 17 are patentable at least by reason of their dependency. Therefore, the Applicant respectfully request that the rejections under 35 U.S.C. §103 of dependent claims 7-14 and 17 be removed.

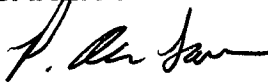
**CONCLUSION**

Any additional fee believed necessary for the consideration of this response is hereby authorized to be charged to Deposit Account No. 50-2036.

In view of the foregoing remarks, Applicant respectfully request that all the objections and rejections to the claims be removed and that the claims pass to allowance. If, for any reason, the Examiner disagrees, please call the undersigned at 202-861-1655 in an effort to resolve any matter still outstanding before issuing another action. The undersigned is confident that any issue which might remain can readily be worked out by telephone.

Respectfully submitted,

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